

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

J & J SNACK FOODS SALES CORP.,

V. DEFENDANT AND THIRD PARTY PLAINTIFF

DOGSTERS, LLC,

**THIRD PARTY SUMMONS IN A
CIVIL ACTION**

Case Number: 1:07-CV-03917-AKH

V. THIRD PARTY DEFENDANT

INTEGRATED BRANDS, INC.,

To: Name and address of Third Party Defendant

INTEGRATED BRANDS, INC.
4175 Veterans Highway
Ronkonkoma, New York 11779**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Flaster Greenberg P.C.
Jeffrey A. Cohen
1810 Chapel Avenue West
Cherry Hill, NJ 08002DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)Bryan Cave LLP
Herbert Teitelbaum
Noah M. Weissman
Martha Lieberman
1290 Avenue of the Americas
New York, New York 10104

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

JUN 04 2007

DATE

AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE

STATE OF NEW YORK UNITED STATES DISTRICT COURT SOUTHERN COUNTY

J & J Snack Foods Sales Corp.

Plaintiff

against

Index # 07-CIV-03917-AK

Purchased/Filed: June 4, 2007

Dogsters, LLC

Defendant

Dogsters, LLC

3rd Party Plaintiff

against

Index #

Purchased/Filed:

Integrated Brands Inc.

3rd Party Defendant

STATE OF NEW YORK
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on June 7, 2007, at 11:45am, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Third Party Summons in a Civil Action and Third-Party Complaint with Exhibits Bearing the above Index # and Filing Date on

Integrated Brands Inc.

, the

Defendant in this action, by delivering to and leaving with Carol Vogt, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40.00 dollars; That said service was made pursuant to Section 306 Business Corporation Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 46 Approx. Wt: 110 lbs. Approx. Ht: 5' 1"

Color of skin: White Hair color: Brown Sex: Female Other: glasses

Sworn to before me on this

11th day of June 2007

Deborah A. Bottisti (Berger)

DEBORAH A BOTTISTI
NOTARY PUBLIC, State of New York
No 01BO6036756, Qualified in Albany County
Commission Expires February 7, 2010

Jessica Miller

Jessica Miller